

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|----------------------------------|---|---------------------------|
| SHANNON MILLER, |) | Case No.: 1:10 CV 1326 |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | |
| |) | JUDGE SOLOMON OLIVER, JR. |
| MICHAEL J. ASTRUE |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant |) | <u>ORDER</u> |

The Commissioner of Social Security (the “Commissioner”) denied disability benefits to the claimant, Shannon Miller (“Plaintiff”) in the above-captioned case. Plaintiff sought judicial review of the Commissioner’s decision, and this court referred the case to Magistrate Judge James R. Knepp II for preparation of a report and recommendation (“R & R”). Both parties submitted briefs on the merits. Plaintiff sought an order remanding the case. The Commissioner sought final judgment upholding the decision below. Specifically, Plaintiff argued that the ALJ’s finding that Plaintiff is not disabled is not supported by substantial evidence and that the ALJ failed to follow the Treating Physician Rule. (Pl.’s Br. on the Merits, ECF No. 16.)

Magistrate Judge Knepp submitted his R & R on August 24, 2011, recommending that the case be remanded (ECF No. 23.) First, he concluded that the ALJ provided sufficient reasoning for his decision to reject treating physician Dr. Tran’s opinion. Next, Magistrate Judge Knepp concluded that the ALJ’s finding that Plaintiff was not disabled was not supported by substantial evidence.

Plaintiff did not file any objections to the R & R. Defendant filed a response to the R & R asserting that he will not be filing an objection (ECF No. 24.)

The court finds, after careful *de novo* review of the Magistrate Judge's Report and Recommendation and all other relevant documents in the record, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge's Report and Recommendation. (ECF No. 23.)

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

September 9, 2011